

The data shows the number of illegal immigrants trying to cross the southern border is going up during a month when, historically, apprehensions are low. In fact, the staggering number of people arrested crossing the border illegally this January is the most any January has seen in more than a decade.

In March 2020, President Trump invoked title 42 along the southern border. That means that, in the interest of public health, only essential travelers are permitted to enter the United States. President Biden has maintained title 42 for this purpose, with one exception: Unaccompanied children can still come in.

News outlets reported that border officials told President Biden they “anticipate 117,000 children will arrive at the U.S.-Mexico border without a parent or guardian in 2021.” Why? Because President Biden has given them a free pass to enter the United States. This number is on pace to exceed the all-time record that was set under the Obama administration by 45 percent.

The greater problem here is that the administration doesn’t have enough space to put these children. President Biden was recently briefed on a plan to add 20,000 more beds to meet the needs. Yet, yesterday, news reports showed a record number of unaccompanied children—more than 3,200—are in Border Patrol’s custody. Almost half of these children have been held beyond the 3-day legal limit. The facilities are overwhelmed and bursting at the seams. Folks in the Southwest are already referring to this increase as the “Biden effect.”

Now Secretary of Homeland Security Mayorkas has the gall to blame the current border crisis on the Trump administration. So why, then, does the Secretary think that new records are being set during the typical off months of January and February? I will tell you why. It is a direct result of President Biden ditching border security measures and sending a “come one, come all” signal. President Biden decided to message to the world that our border is open. We shouldn’t be surprised that people showed up. We all saw this coming, and we warned that reversing President Trump’s policies would lead to national security and humanitarian crises.

On top of all of this, President Biden’s administration is subjecting American citizens to more stringent standards to enter our country than it is with illegal immigrants. On January 26, the CDC began requiring anyone flying to the United States, including American citizens, to provide evidence of a negative COVID test taken within 3 days of their flight. That makes sense. Migrants crossing our border are not subject to the same requirement.

I sent a letter to Secretary Mayorkas about this issue, and I have not yet received a response, but media reports out of Texas seem to have already found the answer. As FoxNews.com re-

ported, more than 100 illegal immigrants released by Border Patrol agents in Brownsville, TX, in the last few weeks have tested positive for the coronavirus. So these folks can cross the border illegally and get tested by the city at the bus stop where the agents let them off, but the city has no authority to prevent them from traveling elsewhere even if they test positive for COVID. How does that fit into President Biden’s plan to bring our country out of this pandemic? American citizens have to prove they have negative tests to enter the country, but illegal immigrants do not.

At a time when the virus is on the retreat, thanks in large part to the vaccine developed by President Trump’s Operation Warp Speed, we cannot now afford to allow thousands and thousands of illegal immigrants into the country, especially without screening them for COVID. It is not only a reckless security policy; it is a reckless health policy. We just spent \$1.9 trillion because that is supposedly what the country needs to help get us past this pandemic. Yet we are going to let people into the country, unchecked, to potentially spread the virus.

President Biden’s policies at the border are reckless. The American people can see it for themselves, and the data prove how bad the situation has become in such a quick timeframe.

We can and should take positive, proactive, concrete steps to secure our border and strengthen our national security. There are two big items to address right away.

No. 1, we should maintain the Migrant Protection Protocols Program. This system was put in place during the Trump administration to process migrant asylum claims at the border without releasing people into the United States. It requires that migrants remain in Mexico pending the completion of their cases. It was successful—hugely successful. The number of apprehensions along the border went down when people realized they couldn’t just come walking into the United States. It was exactly the kind of message we want to send: Our borders are not wide open. You must follow the rules. You must get in line.

Since taking office, President Biden has dismantled the program and is bringing in nearly 30,000 people who are waiting in Mexico.

No. 2, we should continue to build the wall. My constituents expect me to hammer this point home every day. A strong wall will help prevent illegal migrants from crossing over our border between ports of entry to avoid law enforcement.

Just recently, there were reports of a car crash in California that left 13 illegal migrants dead who were stuffed and stacked in the back of a truck. Border Patrol officers believe these migrants entered through a “dilapidated border fence” in Southern California. Weaknesses in our border allow human trafficking efforts like this to continue.

This has to stop. Without needed fixes, President Biden offers false hope, and that is a dangerous signal for desperate people.

Today, I am only mentioning two ways to address the border surge. There are plenty more, and I plan to advocate for them in the weeks and months to come because, unlike this President and his administration, I am fighting for the safety and security of the American people.

I understand our immigration system is not perfect, and I understand President Biden has a different view on what our immigration system should look like, and he has made no secret about where he stands. But any immigration reform proposed must include policies that strengthen our lawful immigration system and protect our Nation’s borders. So far, President Biden’s policies do neither.

I can respect different visions for the future even though I may strongly disagree with them, but what I and the people of Alabama will not stand for is a refusal to enforce the laws of today. It puts our country at risk and encourages migrants to seek dangerous paths to enter our country instead of the legal paths our laws provide. Allowing illegal immigration to go unchecked fundamentally undermines the rule of law in this country. Without laws and without borders where those laws apply, a sovereign nation ceases to exist.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 12, MARCIA LOUISE FUDGE, of Ohio, to be Secretary of Housing and Urban Development.

Charles E. Schumer, Sherrod Brown, Richard Blumenthal, Christopher A. Coons, Patty Murray, Chris Van Hollen, Sheldon Whitehouse, Jeff Merkley, Brian Schatz, Cory A. Booker, Amy Klobuchar, Benjamin L. Cardin, Angus S. King, Jr., Kirsten E. Gillibrand, Tim Kaine, Tammy Baldwin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of MARCIA LOUISE FUDGE, of Ohio, to be

Secretary of Housing and Urban Development, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Dakota (Mr. CRAMER).

The yeas and nays resulted—yeas 69, nays 30, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—69

Baldwin	Hickenlooper	Peters
Bennet	Hirono	Portman
Blumenthal	Hoeven	Reed
Blunt	Inhofe	Romney
Booker	Johnson	Rosen
Braun	Kaine	Rounds
Brown	Kelly	Sanders
Cantwell	King	Schatz
Capito	Klobuchar	Schumer
Cardin	Leahy	Scott (SC)
Carper	Lujan	Shaheen
Casey	Manchin	Sinema
Collins	Markey	Smith
Coons	Marshall	Stabenow
Cortez Masto	McConnell	Sullivan
Duckworth	Menendez	Tester
Durbin	Merkley	Van Hollen
Feinstein	Moran	Warner
Gillibrand	Murkowski	Warnock
Graham	Murphy	Warren
Grassley	Murray	Whitehouse
Hassan	Ossoff	Wyden
Heinrich	Padilla	Young

NAYS—30

Barrasso	Ernst	Risch
Blackburn	Fischer	Rubio
Boozman	Hagerty	Sasse
Burr	Hawley	Scott (FL)
Cassidy	Hyde-Smith	Shelby
Cornyn	Kennedy	Thune
Cotton	Lankford	Tillis
Crapo	Lee	Toomey
Cruz	Lummis	Tuberville
Daines	Paul	Wicker

NOT VOTING—1

Cramer S0634

The PRESIDING OFFICER (Mr. PETERS). The yeas are 69, the nays are 30.

The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 27, Merrick Brian Garland, of Maryland, to be Attorney General.

Charles E. Schumer, Richard J. Durbin, Richard Blumenthal, Christopher A. Coons, Patty Murray, Chris Van Hollen, Sheldon Whitehouse, Jeff Merkley, Brian Schatz, Cory A. Booker, Debbie Stabenow, Amy Klobuchar, Jon Ossoff, Alex Padilla, Benjamin L. Cardin, Sherrod Brown, Angus S. King, Jr., Tim Kaine.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination

of Merrick Brian Garland, of Maryland, to be Attorney General, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Dakota (Mr. CRAMER).

The yeas and nays resulted—yeas 70, nays 29, as follows:

[Rollcall Vote No. 112 Ex.]

YEAS—70

Baldwin	Hassan	Peters
Bennet	Heinrich	Portman
Blumenthal	Hickenlooper	Reed
Blunt	Hirono	Romney
Booker	Inhofe	Rosen
Brown	Johnson	Rounds
Burr	Kaine	Sanders
Cantwell	Kelly	Schatz
Capito	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Lankford	Sinema
Casey	Leahy	Smith
Cassidy	Lujan	Stabenow
Collins	Manchin	Tester
Coons	Markey	Thune
Cornyn	McConnell	Tillis
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Moran	Warnock
Ernst	Murkowski	Warren
Feinstein	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Graham	Ossoff	
Grassley	Padilla	

NAYS—29

Barrasso	Hawley	Sasse
Blackburn	Hoeven	Scott (FL)
Boozman	Hyde-Smith	Scott (SC)
Braun	Kennedy	Shelby
Cotton	Lee	Sullivan
Crapo	Lummis	Toomey
Cruz	Marshall	Tuberville
Daines	Paul	Wicker
Fischer	Risch	Young
Hagerty	Rubio	

NOT VOTING—1

Cramer S0634

The PRESIDING OFFICER (Mr. HICKENLOOPER). On this vote, the yeas are 70, the nays are 29.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Merrick Brian Garland, of Maryland, to be Attorney General.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered

TRIBUTE TO MICHAEL D. ROACH

Mr. RISCH. Mr. President, I rise today to congratulate and honor the retirement of one of my senior staff members and friend who has served in my home State of Idaho for the last 12 years as the State director of natural resources, Michael "Mike" D. Roach.

After retiring from the banking industry, Mike came to my staff after my first election to the U.S. Senate in 2009 as the regional director of my Lewiston office. However, with a bachelor's degree in wildlife-fisheries resources from the University of Idaho, I knew he was a perfect fit for the State director of natural resources position stationed in my Boise office. Shortly after starting in Lewiston, Mike helped to find his replacement in north Idaho and moved to southwestern Idaho to lead my State offices in natural resources.

Mike was born in Twin Falls and grew up in southwestern Idaho where his father worked in the cattle and banking industry. This afforded him the opportunity to work and associate with the cattle and sheep industry in Idaho and develop a deep understanding of the history, traditions, and issues of Idaho. While in college at the U of I, he worked for Idaho Fish and Game and served as a Wildlife and Range Sciences Guidance Council member for the U of I's College of Forestry. He was also appointed to the district advisory council for the Bureau of Land Management—Boise District by former Secretary of the Interior Manuel Lujan. With his deep roots in Idaho, he was the perfect ambassador to the diverse natural resource and conservation groups of the State like the Idaho Cattle Association, Idaho Farm Bureau, Trout Unlimited, and the Nature Conservancy.

During his 12 years of service as my natural resources director, he advised and guided my office through many complicated issues like the sage grouse recovery plan, Idaho Roadless Rule implementation, salmon and steelhead management plans, Columbia River Treaty, Good Neighbor Authority, and many other resource issues. Due to his experience and knowledge, in 2015, the University of Idaho College of Natural Resources awarded Mike Roach the Alumni Award, recognizing his career achievements in natural resources.

Another significant milestone came to pass while serving on staff; he became engaged and married to Cally Grindstaff in 2019. They now make their home in Fairfield, ID.

It is always difficult to lose a trusted staff member of Mike's caliber, but I want to wish him and Cally nothing but best wishes in their future endeavors and look forward to our continued friendship in the years ahead.

Congratulations and thank you for your outstanding service to my staff and the citizens of Idaho.